

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREAT LAKES REINSURANCE
(UK) SE,

Plaintiff,

- against -

PETER HERZIG,

Defendant.

ORDER

16 Civ. 9848 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

In the May 18, 2023 Memorandum Opinion and Order granting in part and denying in part Plaintiff Great Lakes’ motion for summary judgment, this Court ordered that (1) “Great Lakes . . . show cause why the [Second Amended Complaint (“SAC”)]’s First, Third and Fourth Causes of Action should not be dismissed”; and (2) “[Defendant Peter] Herzig . . . submit a letter stating whether he intends to proceed to trial on his First, Second, and Third Counterclaims, and showing cause why his Fourth Counterclaim should not be dismissed.” Great Lakes Reinsurance (UK) SE v. Herzig, No. 16 CIV. 9848 (PGG), 2023 WL 3560578, at *32, *34 (S.D.N.Y. May 18, 2023).

The parties filed their show-cause submissions on June 1, 2023. That same day, Herzig moved for reconsideration. (Dkt. Nos. 129-32)

In its June 1, 2023 letter, Great Lakes states that “there would be no objection to entry of an Order of Dismissal Without Prejudice as to . . . [its First, Third, and Fourth] Causes of Action.” (June 1, 2023 Pltf. Ltr. (Dkt. No. 129)) Accordingly, it is hereby ORDERED that the SAC’s First, Third, and Fourth Causes of Action are dismissed on consent.

In a June 9, 2023 letter, Great Lakes – with Herzig’s consent – requests an extension of the deadline for its opposition to Herzig’s motion for reconsideration, from June 15, 2023 to June 29, 2023, with any reply from Herzig to be submitted by July 14, 2023. (Dkt. No. 133)

It is hereby ORDERED that Great Lakes’ opposition to Herzig’s motion for reconsideration is due by **June 22, 2023**. Any reply by Herzig is due by **June 29, 2023**.

A bench trial on Herzig’s First, Second, and Third Counterclaims will commence on **July 10, 2023, at 9:30 a.m., in Courtroom 705 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York**. The parties’ joint pretrial order and any motions in limine are due by **June 26, 2023**, and responses are due by **July 3, 2023**. The parties should consult this Court’s Individual Rules regarding the applicable procedures and necessary filings for a bench trial. See Individual Rules for Civil Cases, Rule X(C).

For purposes of drafting the joint pretrial order and motions in limine, the parties should assume that Herzig’s motion for reconsideration will be denied and that his Fourth Counterclaim will be dismissed.

Dated: New York, New York
June 9, 2023

SO ORDERED.



Paul G. Gardephe
United States District Judge